

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: JANUARY 22, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: GPA-32476 - APPLICANT/OWNER: NINETY-FIVE FORT
APACHE COMPLEX, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: DENIAL.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a General Plan Amendment to amend a portion of the Centennial Hills Sector Plan of the General Plan from SC (Service Commercial) to GC (General Commercial) on 3.88 acres located on the northwest corner of Fort Apache Road and Horse Drive.

In addition to this request, the applicant has submitted a request for a Rezoning (ZON-32477) of the easterly portion of the 3.88 acres from R-E (Residence Estates) to C-2 (General Commercial) and a Site Development Plan Review (SDR-32478) for a proposed 50,100 square-foot commercial center with a Waiver of the Building Placement and Orientation Standards.

The proposed General Plan Amendment fails to conform to the adopted plans and policies of the Centennial Hills Sector Plan of the General Plan as it is not compatible with the existing surrounding land uses or zoning districts. Additionally, the proposed 50,100 square-foot commercial development could be achieved under the existing SC (Service Commercial) land use designation; therefore, staff recommends denial of this application, and all associated applications.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
03/06/91	The City Council approved a Reclassification of Property (Z-0072-90) located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road from: C-2 (General Commercial) and R-E (Residence Estates) to R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units per Acre), R-PD12 (Residential Planned Development – 12 Units per Acre), C-V (Civic), and C-1 (Limited Commercial) for proposed single-family dwellings, townhomes, elementary school, and a business park. The Planning Commission recommended denial.
02/02/94	The City Council approved a request for Reclassification of Property (Z-0132-93) located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road from: C-2 (General Commercial) and R-E (Residence Estates) to: R-PD3 (Residential Planned Development – 3 Units per Acre), R-PD6 (Residential Planned Development – 6 Units per Acre), R-PD12 (Residential Planned Development – 12 Units per Acre) and C-1 (Limited Commercial) for proposed single-family dwellings, townhomes, plexes, and a business park. The Planning Commission recommended approval.

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01/17/96	The City Council approved a request for an Extension of Time [Z-0132-93(1)] for Iron Mountain Ranch (Spring Mountain Ranch) for proposed single-family dwellings, townhouses, and a business park on property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road. The Planning Commission recommended approval.
08/07/96	The City Council approved a request for an Extension of Time [Z-132-93(2)] of an approved request to Amend the Master Development Plan for the Iron Mountain Ranch (Z-0132-93) on 308.03 acres located on the east side of US-95 and south of Iron Mountain Road.
10/02/96	The City Council approved a request for a Plot Plan Review [Z-132-93(3)] for 308.4 acres located on the south side of Iron Mountain Road, east of Rancho Drive for a proposed 1,207-lot single-family development. The Planning Commission recommended approval.
02/05/97	The City Council approved a request for an Extension of Time [Z-132-93(4)] on property located on the east side of Rancho Drive, between Ackerman Avenue and Iron Mountain Road for proposed single-family dwellings, townhouses, and a business park.
03/12/98	The City Council approved a request for a Site Development Plan Review [Z-132-93(5)] on 0.61 acres located on the south side of Horse Drive, east of Rancho Drive for a proposed development information center. The Planning Commission recommended approval.
09/10/98	The Planning Commission approved (final action) a request for a Site Development Plan Review [Z-132-93(6)] on property located on the northeast corner of Fort Apache Road and Horse Drive for a proposed construction management trailer.
05/24/99	The City Council approved the Centennial Hills Sector Map (GPA-0001-99) of the City of Las Vegas General Plan, which replaced the Northwest Sector Map.
02/02/00	The City Council approved a request for a Site Development Plan Review [Z-132-93(8)] on property located adjacent to the northeast corner of the intersection of Racel Street and Fort Apache Road for a 149-lot single-family residential development. The Planning Commission recommended approval.
09/06/00	The City Council approved the Las Vegas 2020 Master Plan. This site is within the Newly Developing Area as described in the Plan.
11/15/01	The Planning Commission approved (final action) a request for a Review of Condition [Z-0132-93(9)] Condition #3 of an approved Site Development Plan Review [Z-0132-93(3)] to allow a 14-foot front yard setback for lots 1227, 1228, and 1230 where a 20-foot front yard setback is required on property generally located south of Iron Mountain Ranch Road, west of El Capitan Way.

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02/19/03	The City Council adopted the Centennial Hills Interlocal Land Use Plan. On this map, the subject site was designated SC (Service Commercial).
09/01/04	The City Council approved a request for a General Plan Amendment (GPA-4634) to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan from SC (Service Commercial) to ML (Medium Low Density Residential) for a single-family development on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road. The Planning Commission recommended denial. Approval was limited to the portion south of Horse Drive only, excluding the subject site.
09/01/04	The City Council approved a Rezoning (ZON-4640) from R-E (Residence Estates and C-2 (General Commercial) to R-PD6 (Residential Planned Development, 6 Units per Acre) on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to the portion south of Horse Drive only, excluding the subject site.
09/01/04	The City Council approved a Site Development Plan Review (SDR-4641) for a 100-lot residential development on 17.83 acres located at the southwest corner of Horse Drive and Fort Apache Road. Planning Commission and staff recommended denial. Approval was limited to 77 units on the portion south of Horse Drive only, excluding the subject site.
11/04/04	The Planning Commission approved a request (final action) for a Tentative map (TMP-4921) for a 100-lot single-family residential subdivision on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road.

Related Building Permits/Business Licenses

There are no building permits or business licenses associated with the subject site.

Pre-Application Meeting

11/18/08	A pre-application meeting was held where the submittal requirements for a General Plan Amendment were discussed.
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<i>Neighborhood Meeting</i>	
01/07/09	<p>A neighborhood meeting was scheduled for January 7th at 6:00pm at the Centennial Hills YMCA located at 6601 North Buffalo Road. One representative from the applicant, one member of the Department of Planning and Development, a Ward Six Liaison, and eight members of the public attended the meeting.</p> <p>Questions and comments were as follows:</p> <ul style="list-style-type: none"> • Concern about the uses that would be allowed under C-2 zoning. • Concern about traffic control at the intersection of Sky Pointe Drive and Horse Drive (it was indicated that a traffic light would be installed at the intersection). • Concern about the fact that the property is on a route that children use to walk to school. • One resident commented positively on the changes to the landscape plan, and stated that they want the landscaping to be consistent with landscaping in the neighborhood. • A resident stated that they didn't want supper clubs, off-site liquor, or gaming uses in the center; however, a restaurant with a beer/wine license may be acceptable. • A resident requested that the center be redesigned to Town Center standards so that the buildings would be located at the street front with the parking located behind the buildings. • The general consensus of the residents was that C-1 zoning (and the associated SC land use designation) would be acceptable, but that C-2 would be inappropriate. <p>The meeting began at 6:07 p.m. and concluded at 6:37 p.m.</p>

<i>Field Check</i>	
12/24/08	Staff performed a routine field check that revealed an undeveloped lot adjacent to single-family residences with limited landscaping along the Horse Drive street frontage.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	3.88

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped Land	SC (Service Commercial)	C-2 (General Commercial) & R-E (Residence Estates)
North	Undeveloped Land	TND (Traditional New Development)	T-D (Traditional Development)
South	Single-Family Residential	ML (Medium Low Density Residential)	R-PD6 (Residential Planned Development – 6 Units per Acre)
East	Undeveloped Land, Single-Family Residences	PCD (Planned Community Development)	R-E (Residence Estates)
West	US-95	ROW (Right-of Way)	ROW (Right-of Way)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Centennial Hills Sector Plan	X		Y
Northwest Open Space Plan	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts	X		Y
Spring Mountain Ranch	X		Y
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

- Site History**

The subject site was annexed on May 6, 1964 from Clark County with the existing split zoning of R-E (Residence Estates) and C-2 (General Commercial). On February 19, 2003 the City Council adopted the Centennial Hills Interlocal Land Use Plan which designated the subject site as SC (Service Commercial) within the General Plan.

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- **General Plan**

The subject property is located within the Centennial Hills Sector Plan of the General Plan. This proposed General Plan Amendment, if approved, would establish a GC (General Commercial) land use designation on the subject site. The General Commercial category generally allows retail, service, wholesale, office and other general business uses of a more intense commercial character. These uses may include outdoor storage or display of products or parts, noise, lighting or other characteristics not generally considered compatible with adjoining residential areas without significant transition. Examples include new and used car sales, recreational vehicle and boat sales, car body and engine repair shops, mortuaries, and other highway uses such as hotels, motels, apartment hotels and similar uses. The General Commercial category allows Service Commercial uses, and may also allow Mixed-Use development with a residential component where appropriate.

- **Zoning**

There is a request for a Rezoning (ZON-32477) to change the easterly portion of the site's zoning from R-E (Residence Estates) to C-2 (General Commercial). The C-2 (General Commercial) district is designed to provide the broadest scope of compatible services for both the general and traveling public. This category allows retail, service, automotive, wholesale, office and other general business uses of an intense character, as well as mixed-use developments. This district should be located away from low and medium density residential development and may be used as a buffer between retail and industrial uses. The C-2 (General Commercial) district is also appropriate along commercial corridors. The C-2 (General Commercial) district is consistent with the General Commercial category of the General Plan.

- **Conclusion**

The Centennial Hills Interlocal Land Use Plan was carefully conceived with a balance of commercial and residential development. The amount of commercial area is based on the proportion of residential and commercial development elsewhere in the Las Vegas valley. Amending the subject site to a more intense commercial land use designation would be in direct conflict with the intent of the Centennial Hills Sector Plan.

With the approval of this proposed General Plan Amendment to the GC (General Commercial) land use designation and Rezoning (ZON-32477) to the C-2 (General Commercial) zoning district, intense commercial uses that are not compatible with residential neighborhoods would be permitted on this site. The existing surrounding properties have a mixture of PCD (Planned Community Development) and ML (Medium Low Density Residential) General Plan land use designations. This proposal is incompatible with the existing surrounding area and would create an inconsistency with

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present and future land use designations, when compared to the surrounding area. The current General Plan designation of SC (Service Commercial) is consistent and compatible with the surrounding uses. The request to amend a portion of the Centennial Hills Sector Plan from SC (Service Commercial) to GC (General Commercial) is not compatible with the existing surrounding planned land uses; therefore staff recommends denial of this application and all associated applications.

FINDINGS

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The proposed GC (General Commercial) land use designation is not compatible with the existing PCD (Planned Community Development) and ML (Medium Low Density Residential) land use designations to the east and south. The GC (General Commercial) land use designation will allow the most intense of commercial land uses on the site. Staff finds that the proposed development could be accomplished with the current General Plan land use designation of SC (Service Commercial), which allows commercial less intense commercial uses appropriate for residential adjacency.

- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The C-2 (General Commercial) zoning designation allowed by the proposed General Plan Amendment will be much more intense than the zoning districts permitted by the current SC (Service Commercial) land use designation. The C-2 (General Commercial) zoning district will be the most intense use within the surrounding area and will permit the broadest scope of commercial development. The proposed GC (General Commercial) land use designation and proposed C-2 (General Commercial) zoning district are not compatible with the existing adjacent land uses or zoning districts.

- 3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

Adequate utilities and other facilities are available to accommodate the use, as well as adequate site access is provided for by Fort Apache Road and Horse Drive, both classified as 80-foot Secondary Collector Streets by the Master Plan of Streets and Highway.

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- 4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

This proposed amendment does not conform to the Centennial Hills Sector Plan of the General Plan or the Title 19 Zoning Code. The proposed GC (General Commercial) land use designation and the proposed C-2 (General Commercial) zoning district are not compatible with the existing residential land uses that are adjacent to the subject site. Because this particular proposal, with the affiliated Rezoning (ZON-32477) are incompatible with the surrounding area, staff is recommending denial of this application and all associated applications.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 654

APPROVALS 4

PROTESTS 1